



PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RMS(CH COMMISSIONERS/CUCKOLD
CREEK/DREDGING)03-60861-4

Comment Period: December 16, 2002 to January, 16, 2003

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: *Charles County Commissioners
Department of Planning & Growth Management
c/o BayLand Consultants and Designers, Inc
1321 Mercedes Drive, Suite C
Hanover, Maryland 21076*

LOCATION: *In Cuckold Creek and the Potomac River at Swan Point, Charles County, Maryland.*

WORK: *The applicant proposes to maintenance dredge by hydraulic or mechanical method a 75-foot by 2,150-foot entrance navigation channel to -6.0 feet mean low water with an additional -0.5 foot of overdredging resulting in approximately 14,750 cubic yards of sand being removed from the waterway. The dredged material is to be deposited at existing upland (non-wetland) disposal facilities at Swan Point Dredged Material Placement (DMP) Site. The applicant also request 10-year maintenance dredging. The total project impact is approximately 3.7 acres of tidal waters. All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mrs. Kathy Anderson at (410) 962-5690.*

A 75-foot by 2,000-foot, 6.0 foot deep channel was previously authorized by Department of the Army permit NABOP-RR(CHARLES CO. COMM.)87-0018 December 10, 1986 and included a 10-year maintenance dredging clause.

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect essential fish habitat (EFH). The project site lies in or adjacent to EFH as described under MSFCMA for *Scopthalmus aquosus* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; and eggs, larvae, juvenile, and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (spanish mackerel), and *Rachycentron canadum* (cobia), managed species under the MSFCMA. The project has the potential to adversely effect EFH or the species of concern by loss of spawning, nursery, forage and/or shelter habitat. The Baltimore District has determined that the adverse effects of this project would not be substantial and an abbreviated consultation will be conducted with NMFS. No mitigative measures are recommended to minimize adverse effects on EFH. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland, 21230-1708, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which to make its consistency determination.

The applicant must obtain any State or local government permits which may be required.

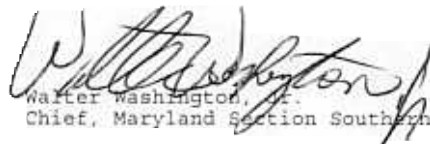
A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

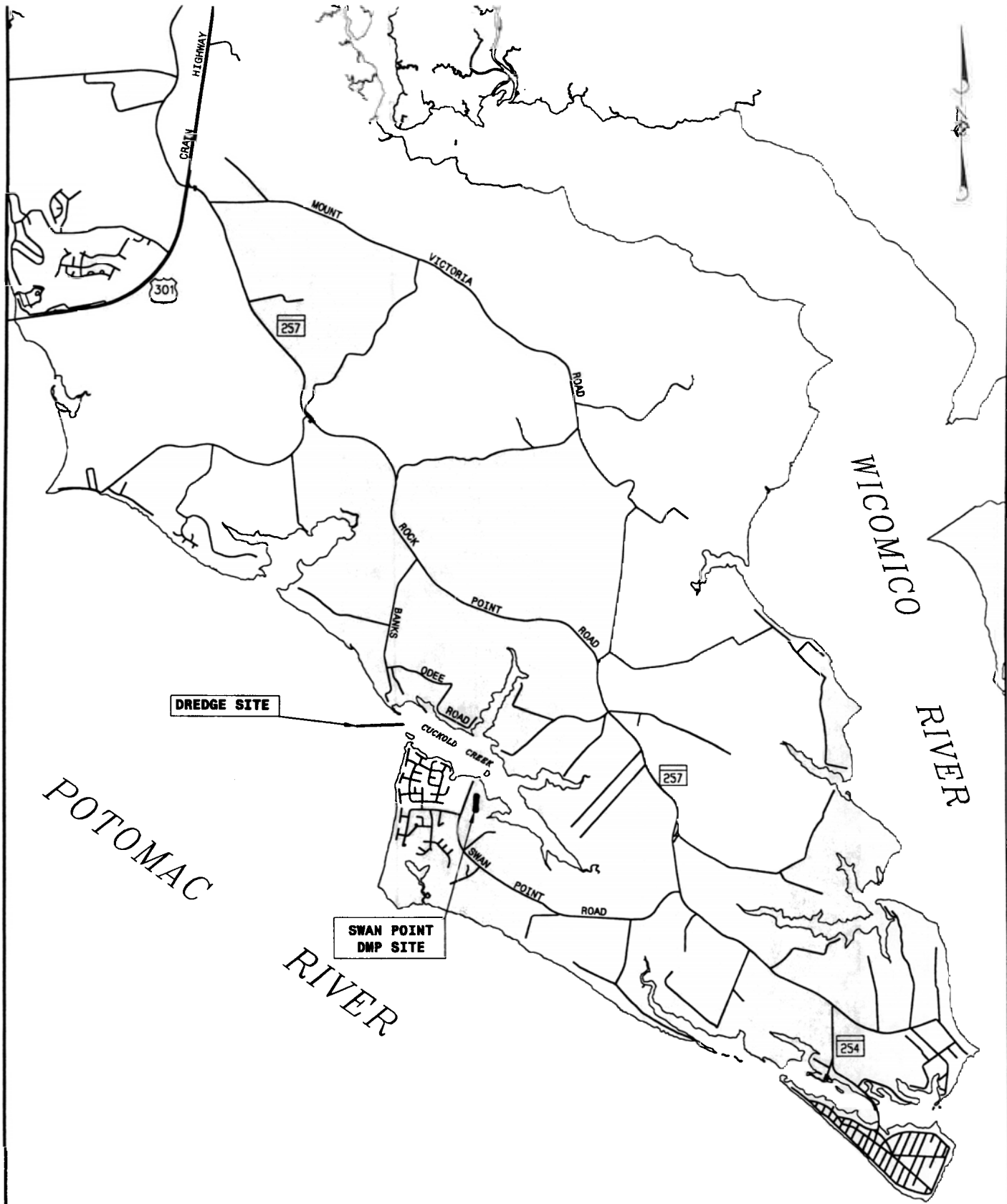
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:


Walter Washington, Jr.
Chief, Maryland Section Southern



POTOMAC
RIVER

WICOMICO
RIVER

DREDGE SITE

SWAN POINT
DMP SITE

**PROPOSED DREDGING
CUCKOLD CREEK**
CHARLES COUNTY, MD

APPL. BY: CHARLES COUNTY
COMMISSIONERS

DATE: SEPTEMBER 2002 SHEET 1 OF 7

GRAPHIC SCALE

0 3000 6000 12000

(IN FEET)

1 Inch = 6000 Feet

Bay and
Consultants & Designers, Inc.
"Integrating Engineering and Environment"

1321 Mercedes Drive, Suite C Phone: (410) 694-9401
Hanover, Maryland 21076 Fax (410) 694-9405

PROPOSED CHANNEL DATA

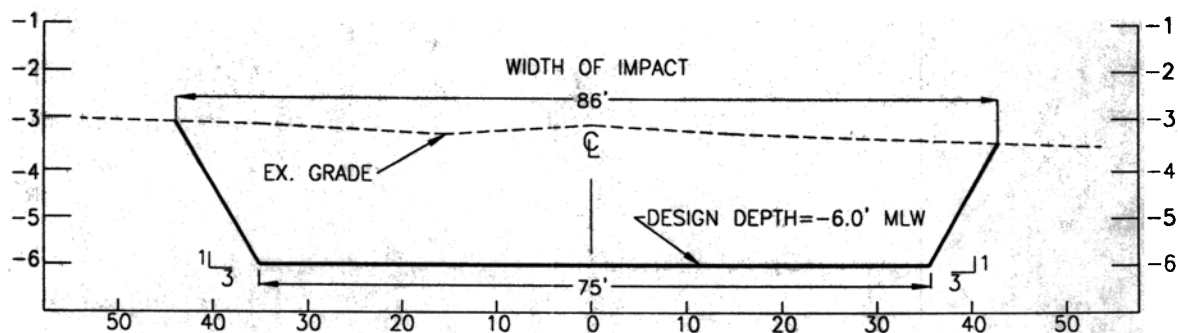
DIMENSIONS: 2,150 LF, 75 FT WIDE, DREDGED TO -6.0' MLW

AREA OF IMPACT: 184,900 SF = 4.2 AC

VOLUME: 14,750 CY

TYPICAL CHANNEL SECTION

N.T.S.



CHANNEL NOTES:

1. CHANNEL VOLUME AND AREA OF IMPACT HAVE BEEN CALCULATED AT -6.5' MLW TO INCLUDE 0.5' OF ALLOWANCE TO COVER THE INACCURACIES OF THE DREDGING PROCESS.
2. MATERIALS ARE TO BE HYDRAULICALLY OR MECHANICALLY DREDGED.
3. MATERIAL WILL BE PLACED AT THE PREVIOUSLY PERMITTED SWAN POINT UPLAND DISPOSAL SITE.

PROPOSED DREDGING
CUCKOLD CREEK
CHARLES COUNTY, MD

APPL. BY: CHARLES COUNTY
COMMISSIONERS

DATE: SEPTEMBER 2002 SHEET 2 OF 7

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POTOMAC

EX. SHORELINE

CHANNEL

2,150' X 75' TO -6.0' MLW

GLT #1

GLT #3

PROPOSED DREDGING

SHEET 4
SHEET 5

RDM #2

SHEET 5
SHEET 6

CUCKOLD CREEK

FLOOD
EBB

EX. SHORELINE

RIVER

EX. SHORELINE

PROPOSED DREDGING
CUCKOLD CREEK
CHARLES COUNTY, MD

APPL. BY: CHARLES COUNTY
COMMISSIONERS

DATE: SEPTEMBER 2002 SHEET 3 OF 7

GRAPHIC SCALE

0 200 400 800

(IN FEET)

Inch = 400 Feet

BayLand

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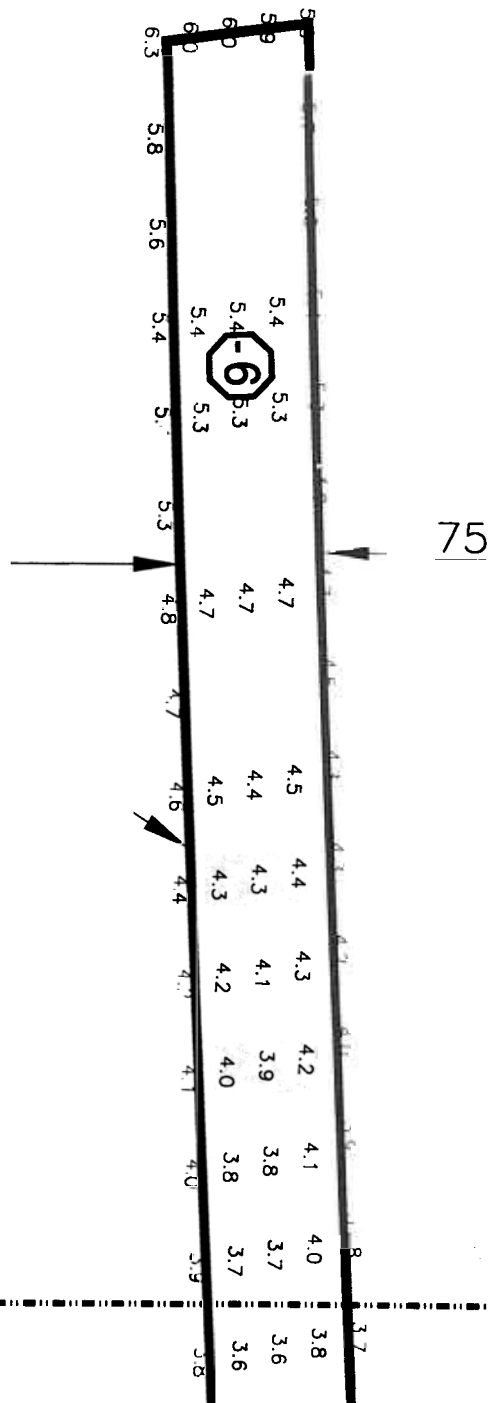
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GLT
#1

6.8
6.7
6.9
7.2
6.3
6.4
6.6
6.6

PROPOSED DREDGING



SHEET 4

SHEET 5

GRAPHIC SCALE



(IN FEET)

Inch = 100 Feet

PROPOSED DREDGING
CUCKOLD CREEK

CHARLES COUNTY, MD

APPL. BY: CHARLES COUNTY
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SHEET 4

SHEET 5

PROPOSED DREDGING

RDM
#2

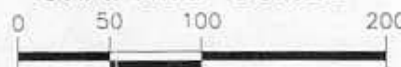
75'

-6

SHEET 5

SHEET 6

GRAPHIC SCALE



(IN FEET)

1 Inch = 100 Feet

PROPOSED DREDGING
CUCKOLD CREEK

CHARLES COUNTY, MD

APPL. BY: CHARLES COUNTY
COMMISSIONERS

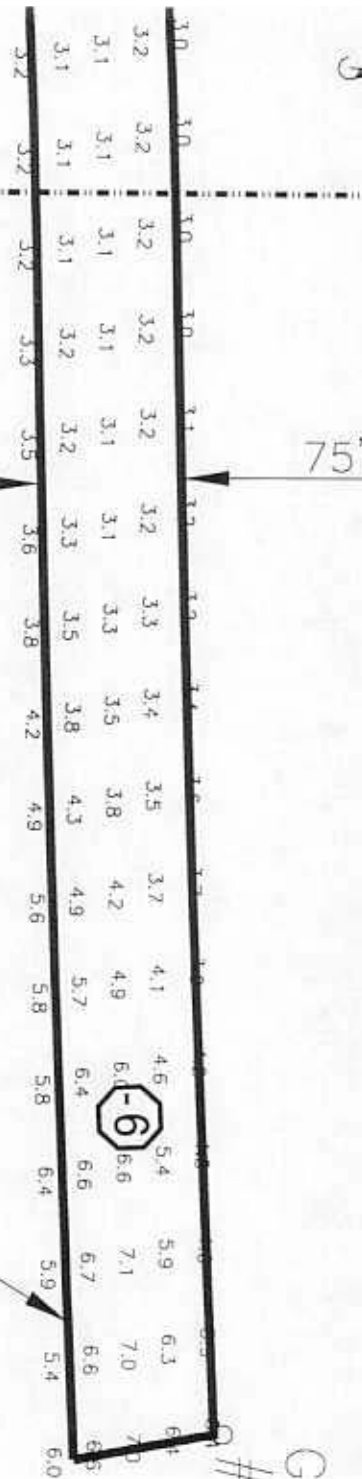
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SHEET 5
SHEET 6

PROPOSED DREDGING



GLT
#3

GRAPHIC SCALE



(IN FEET)

1 Inch = 100 Feet

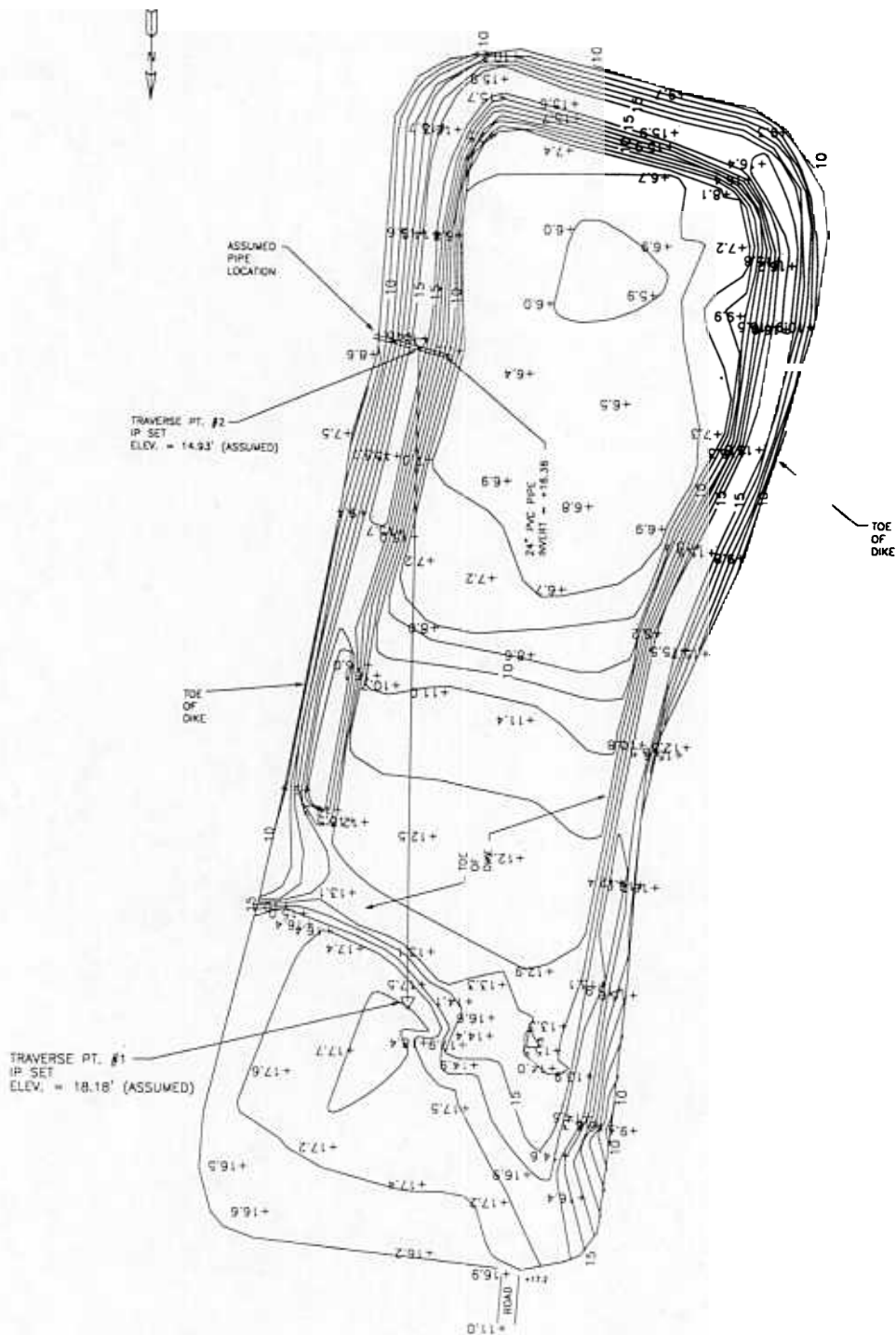
PROPOSED DREDGING
CUCKOLD CREEK

CHARLES COUNTY, MD

APPL. BY: CHARLES COUNTY
COMMISSIONERS

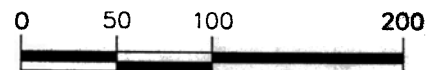
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NOTE: SURVEY TAKEN FROM MD DNR SURVEY DATED 7/00.

GRAPHIC SCALE



(IN FEET)

Inch = 100 Feet

SWAN POINT DMP SITE
CUCKOLD CREEK
CHARLES COUNTY, MD

APPL. BY: CHARLES COUNTY
COMMISSIONERS

DATE: SEPTEMBER 2002 SHEET 7 OF 7

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